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13 Attorneys for Defendant
GOOGLE INC.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 ORACLE AMERICA, INC.,

Plaintiff,

20 v.
21

22 GOOGLE INC.,

23 Defendant.
24

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DANIEL PURCELL
IN SUPPORT OF GOOGLE INC.'S
MOTIONS IN LIMINE**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Daniel Purcell, declare as follows:

2 1. I am a partner in the law firm of Keker & Van Nest LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Google Inc.’s Motions *in*
4 *Limine*. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto
5 could do so competently under oath.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Tim
7 Lindholm in Support of Google’s Motion in Limine #1 to Exclude Mr. Lindholm’s August 6,
8 2010 Email and Drafts Thereof.

9 3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts of the
10 transcript of the deposition of John C. Mitchell, taken September 6, 2011.

11 4. Attached hereto as **Exhibit 3** are true and correct copies of excerpts of the
12 Opening Expert Report of John C. Mitchell Regarding Patent Infringement, dated August 8,
13 2011.

14 5. Attached hereto as **Exhibit 4** are true and correct copies of excerpts of the
15 transcript of the deposition of Robert Vandette, taken September 7, 2011.

16 6. Attached hereto as **Exhibit 5** are true and correct copies of excerpts of the
17 transcript of the deposition of Noel Poore, taken September 7, 2011.

18 7. Attached hereto as **Exhibit 6** are true and correct copies of excerpts of the
19 transcript of the deposition of Erez Landau, taken September 14, 2011.

20 8. Attached hereto as **Exhibit 7** are true and correct copies of excerpts of the
21 Summary and Report of Robert (“Bob”) G. Vandette, dated August 8, 2011.

22 9. Attached hereto as **Exhibit 8** are true and correct copies of excerpts of the
23 Summary and Report of Noel Poore, dated August 6, 2011.

24 10. Attached hereto as **Exhibit 9** are true and correct copies of excerpts of the
25 Summary and Report of Erez Landau, dated August 8, 2011.

26 11. Attached hereto as **Exhibit 10** are true and correct copies of excerpts of the
27 Summary of Investigation for Damages Expert by Seeon Birger, dated September 12, 2011.

28 12. Attached hereto as **Exhibit 11** is a true and correct copy of an email from Mark

1 Francis, Esq. to Mark D. Peters, Esq., dated September 21, 2011.

2 13. Attached hereto as **Exhibit 12** is a true and correct copy of an excerpt from
3 Exhibit 494 to the deposition of Erez Landau, taken September 14, 2011.

4 14. Attached hereto as **Exhibit 13** is a true and correct copy of an excerpt from
5 Exhibit 462 to the deposition of Robert Vandette, taken September 7, 2011.

6 15. Attached hereto as **Exhibit 14** is a true and correct copy of an excerpt from
7 Exhibit 491 to the deposition of Erez Landau, taken September 14, 2011.

8 16. Attached hereto as **Exhibit 15** are true and correct copies of excerpts of the
9 Expert Report of Dr. Iain M. Cockburn, dated September 12, 2011 and revised September 15,
10 2011.

11 17. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced
12 by Oracle America, Inc. (“Oracle”) in this case bearing a production number
13 OAGOOGLE0000358175.

14 18. Attached hereto as **Exhibit 17** are true and correct copies of excerpts of the
15 transcript of the deposition of Jonathan Scwhartz, taken July 20, 2011.

16 19. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced
17 by Oracle in this case bearing the production number OAGOOGLE0100166874.

18 20. Attached hereto as **Exhibit 19** is a true and correct copy of a document produced
19 by Oralce in this case bearing the production number OAGOOGLE0100166873.

20 21. Attached hereto as **Exhibit 20** is a true and correct copy of Exhibit 2 to the Expert
21 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

22 22. Attached hereto as **Exhibit 21** is a true and correct copy of Exhibit 4 to the Expert
23 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

24 23. Attached hereto as **Exhibit 22** is a true and correct copy of Exhibit 5 to the Expert
25 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

26 24. Attached hereto as **Exhibit 23** is a true and correct copy of Exhibit 6 to the Expert
27 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

28 25. Attached hereto as **Exhibit 24** is a true and correct copy of Exhibit 7 to the Expert

1 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

2 26. Attached hereto as **Exhibit 25** is a true and correct copy of Exhibit 8 to the Expert
3 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

4 27. Attached hereto as **Exhibit 26** is a true and correct copy of Exhibit 9 to the Expert
5 Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

6 28. Attached hereto as **Exhibit 27** is a true and correct copy of Exhibit 10 to the
7 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

8 29. Attached hereto as **Exhibit 28** is a true and correct copy of Exhibit 11 to the
9 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

10 30. Attached hereto as **Exhibit 29** is a true and correct copy of Exhibit 12 to the
11 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

12 31. Attached hereto as **Exhibit 30** is a true and correct copy of Exhibit 13 to the
13 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

14 32. Attached hereto as **Exhibit 31** is a true and correct copy of Exhibit 15 to the
15 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

16 33. Attached hereto as **Exhibit 32** is a true and correct copy of Exhibit 23 to the
17 Expert Report of Iain Cockburn, dated September 12, 2011 and revised September 15, 2011.

18 34. Attached hereto as **Exhibit 33** are true and correct copies of excerpts of the
19 Expert Report of Dr. Benjamin F. Goldberg Regarding Validity of Patents-in-Suit, dated August
20 25, 2011.

21 35. Attached hereto as **Exhibit 34** are true and correct copies of excerpts of the
22 transcript of the deposition of Peter Kessler, taken August 4, 2011.

23 36. Attached hereto as **Exhibit 35** are true and correct copies of excerpts of the
24 transcript of a February 9, 2011 hearing before the Honorable William Alsup in this case.

25 37. Attached hereto as **Exhibit 36** are true and correct copies of excerpts of the
26 transcript of a April 6, 2011 hearing before the Honorable William Alsup in this case.

27 38. Attached hereto as **Exhibit 37** is a true and correct copy of Oracle's Second
28 Supplemental Patent Local Rule 3-1 Disclosures of Asserted Claims and Infringement

1 Contentions, dated April 1, 2011.

2 39. Attached hereto as **Exhibit 38** is a true and correct copy of excerpts of a Notice of
3 Subpoena to Motorola Mobility, Inc., dated April 12, 2011.

4 40. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts of Plaintiff's
5 Notice of Third Party Subpoena to Motorola Mobility, Inc., dated July 13, 2011.

6 41. Attached hereto as **Exhibit 40** is a true and correct copy of Exhibit B to the Reply
7 Expert Report of John C. Mitchell Regarding Patent Infringement, dated September 1, 2011.

8
9 I declare under penalty of perjury that the foregoing is true and correct and that this
10 declaration was executed at San Francisco, California on September 24, 2011.

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12 By: /s Daniel Purcell
13 DANIEL PURCELL
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